

House Engrossed

State of Arizona  
Senate  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 282

## **SENATE BILL 1413**

AN ACT

AMENDING SECTIONS 28-7651 AND 28-7652, ARIZONA REVISED STATUTES; PROVIDING  
FOR USE OF HIGHWAY FUND MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-7651, Arizona Revised Statutes, is amended to  
3 read:

4 28-7651. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Bond" means a bond secured solely by bridge construction revenues  
7 OR A BOND SECURED SOLELY BY HIGHWAY IMPROVEMENT REVENUES as authorized and  
8 issued pursuant to this article.

9 2. "Bridge construction revenues" means monies received pursuant to  
10 section 42-5032, SUBSECTION A and deposited in the BRIDGE CONSTRUCTION  
11 interest fund or redemption fund under section 28-7656, SUBSECTION A.

12 3. "HIGHWAY IMPROVEMENT REVENUES" MEANS MONIES RECEIVED PURSUANT TO  
13 SECTION 42-5032, SUBSECTION B AND DEPOSITED IN THE HIGHWAY IMPROVEMENT  
14 INTEREST FUND OR REDEMPTION FUND UNDER SECTION 28-7656, SUBSECTION B.

15 Sec. 2. Section 28-7652, Arizona Revised Statutes, is amended to read:

16 28-7652. Agreement for construction of bridge

17 A. The department and a county with a population of more than two  
18 million persons ~~according to the most recent United States decennial census~~  
19 may enter into an intergovernmental agreement pursuant to title 11, chapter  
20 7, article 3 for the construction of a bridge to provide direct access to  
21 commercial, residential and recreational facilities.

22 B. The agreement shall:

23 1. Contain the commitment of this state and the county to transfer  
24 bridge construction revenues to the county treasurer for deposit in the  
25 BRIDGE CONSTRUCTION interest fund or redemption fund under section 28-7656,  
26 SUBSECTION A for the purpose of financing the construction, design,  
27 acquisition and attendant acquisition costs of the bridge.

28 2. Contain the commitment of the county to pay other monies for the  
29 purpose of financing the bridge.

30 3. Include this state's pledge of sufficient bridge construction  
31 revenues to fulfill this state's obligation for funding the bridge.

32 4. State the responsibilities of each party with regard to planning,  
33 designing, constructing, owning and maintaining the bridge.

34 5. Provide that payment for the costs of the bridge shall be made from  
35 contributions from the parties to the agreement and other contributors before  
36 the use of bond proceeds.

37 B. THE DEPARTMENT AND THE COUNTY MAY ENTER INTO AN INTERGOVERNMENTAL  
38 AGREEMENT PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3 FOR THE DESIGN,  
39 RECONSTRUCTION AND IMPROVEMENT OF A COUNTY HIGHWAY APPROACHING AND TRAVERSING  
40 A BRIDGE CONSTRUCTED PURSUANT TO SUBSECTION A OF THIS SECTION. THE AGREEMENT  
41 SHALL:

42 1. CONTAIN THE COMMITMENT OF THIS STATE AND THE COUNTY TO TRANSFER  
43 HIGHWAY IMPROVEMENT REVENUES TO THE COUNTY TREASURER FOR DEPOSIT IN THE  
44 HIGHWAY IMPROVEMENT INTEREST FUND OR REDEMPTION FUND PURSUANT TO SECTION

1 28-7656, SUBSECTION B FOR THE PURPOSE OF FINANCING THE DESIGN, RECONSTRUCTION  
2 AND IMPROVEMENT COSTS OF THE HIGHWAY.

3 2. CONTAIN THE COMMITMENT OF THE COUNTY TO PAY OTHER MONIES FOR THE  
4 PURPOSE OF FINANCING THE HIGHWAY IMPROVEMENTS.

5 3. INCLUDE THIS STATE'S PLEDGE OF SUFFICIENT HIGHWAY IMPROVEMENT  
6 REVENUES TO FULFILL THIS STATE'S OBLIGATION FOR FUNDING THE HIGHWAY  
7 IMPROVEMENTS.

8 4. STATE THE RESPONSIBILITIES OF EACH PARTY WITH REGARD TO PLANNING,  
9 DESIGNING, RECONSTRUCTING, OWNING AND MAINTAINING THE HIGHWAY.

10 5. PROVIDE THAT PAYMENT FOR THE COSTS OF THE HIGHWAY IMPROVEMENTS  
11 SHALL BE MADE FROM CONTRIBUTIONS FROM THE PARTIES TO THE AGREEMENT AND OTHER  
12 CONTRIBUTORS BEFORE THE USE OF BOND PROCEEDS.

13 6. CONTAIN THE REPRESENTATION BY THE COUNTY THAT IT HAS THE LEGALLY  
14 BINDING ASSURANCE OF THE OWNER OF A SPORTS ENTERTAINMENT FACILITY AS DEFINED  
15 IN SECTION 42-5032, SUBSECTION E AND THAT THE OWNER WILL REIMBURSE THE COUNTY  
16 FOR ALL EXPENSES THE COUNTY MAY INCUR UNDER SECTION 28-401, SUBSECTION D,  
17 PARAGRAPH 4 AND SECTION 42-5032, SUBSECTION B.

18 Sec. 3. Heading change

19 The article heading of title 28, chapter 21, article 4, Arizona Revised  
20 Statutes, is changed from "BONDS SECURED BY BRIDGE CONSTRUCTION REVENUES" to  
21 "BONDS SECURED BY BRIDGE CONSTRUCTION OR HIGHWAY IMPROVEMENT REVENUES".

22 Sec. 4. Department of public safety; highway funds;  
23 distribution

24 Notwithstanding sections 28-6537 and 28-6993, Arizona Revised Statutes,  
25 the statutory caps limiting the level of highway user revenue fund monies and  
26 state highway fund monies available to fund department of public safety  
27 highway patrol costs are suspended for fiscal year 2004-2005.

28 Sec. 5. Vehicle license tax; distribution

29 Notwithstanding section 28-6538, Arizona Revised Statutes, or any other  
30 law, the first \$118,000,000 received in fiscal year 2004-2005 pursuant to  
31 title 28, chapter 16, article 3, Arizona Revised Statutes, relating to  
32 vehicle license tax, for distribution to the state highway fund pursuant to  
33 section 28-6538, subsection A, paragraph 1, Arizona Revised Statutes, shall  
34 be deposited in the state general fund.

APPROVED BY THE GOVERNOR MAY 28, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 28, 2004.

Passed the House May 20, 2004,

by the following vote: 33 Ayes,

27 Nays, 0 Not Voting

Lake Flake  
Speaker of the House

Gorman L. Moore  
Chief Clerk of the House

Passed the Senate May 5, 2004,

by the following vote: 22 Ayes,

8 Nays, 0 Not Voting

Klu Bennett  
President of the Senate

Chasmin Bell  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1413

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate May 24, 20 04,

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

Ken Bennett  
President of the Senate  
Charmaine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24th day of May, 20 04,

at 3:49 o'clock P. M.

Wendee Upbarra  
Secretary to the Governor

Approved this 28 day of

May, 20 04,

at 11<sup>30</sup> o'clock A. M.

Jan Noyes  
Governor of Arizona

S.B. 1413

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of May, 20 04,

at 1:47 o'clock P. M.

Janice K. Brewer  
Secretary of State